

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Sandy Ruiz, on behalf of himself and all other similarly situated,

Plaintiff,

- against -

Truffa Pizzeria & Wine Room Corp. D/B/A Cocina Chente Mexican Cuisine, and Moises Lopez Sr., Roma Lopez, and Juan Rosario, individually,

Defendants.

Case No: 1:20-cv-08645-LJL

DECLARATION OF ELIDO CRUZ

I, Elido Cruz, under the penalty of perjury, declare as follows:

1. My name is Elido Cruz. I am a former employee at the restaurant, Truffa Pizzeria & Wine Room Corp. D/B/A Cocina Chente Mexican Cuisine, “Cocina Chente” located at 3535 Riverdale Ave., Bronx, New York 10463.
2. I reside in the Dominican Republic with my family.
3. I am a friend of Moises Lopez, Sr., and am also a friend of his family members.
4. I worked at Cocina Chente with Moises and Sandy Ruiz from 2019 to 2020 before I moved to the Dominican Republic.
5. During my employment at Cocina Chente, I worked as a dishwasher.
6. I know Sandy Ruiz, the Plaintiff in this lawsuit because Sandy worked with me in the same kitchen at Cocina Chente. However, I worked as a dishwasher and Sandy worked as a cook.

7. As a dishwasher and a cook, Sandy and I performed different duties and worked on different schedules.
8. My job duties consisted of putting the dirty dishes in the dishwasher whenever a busboy delivered the used dishes to me. Once all the dishes were washed, I brought the clean dishes to the kitchen.
9. During my employment at Cocina Chente as a dishwasher, I normally worked 5 days a week from 2:00 pm to 11:00 pm with a one-hour break. I generally worked on the weekends because the restaurant was busy during that time. Despite that, I worked on the same work schedule on the weekends and was paid \$120 per day.
10. Because Sandy was a cook, not a dishwasher, I sometimes saw him starting his work in the kitchen a few hours later than me. Sandy usually took off a few hours earlier than me.
11. Sandy and I performed completely different tasks and worked on different schedules as the assigned duties to us as a dishwasher and a cook were different.
12. I was surprised when I learned that Sandy named me as a former employee who “often complained” to him about my working hours and rate of pay while I was working at Cocina Chente.
13. I generally worked at Cocina Chente until 11:00 pm, not until 11:30 pm, because the restaurant closed at 11:00 pm.
14. More importantly, I do not have any complaints regarding my employment at Cocina Chente, and I believe I was properly paid during my employment period at the restaurant. Moises and I became good friends since we started working together.

15. I am worried about my friend Moises and the restaurant, Cocina Chente, since I learned that Sandy is planning to hurt my friend and my former workplace. I do not want Sandy to do anything bad to my friend and the restaurant.
16. I, Elido Cruz, affirm, under penalty of perjury, that the above statements were translated to me in Spanish and the above statements are true and correct.

Dated: Flushing, New York
02/07, 2021

Elido. CR47

Elido Cruz